

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 18, 2021

1:32 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair (via teleconference)
Senator Shelley Hughes, Vice Chair
Senator Mia Costello
Senator Lora Reinbold
Senator Tom Begich

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 89

"An Act relating to house rules for assisted living homes."

- HEARD AND HELD

SENATE BILL NO. 98

"An Act relating to medical assistance for recipients of adult foster care services; establishing an adult foster care home license and procedures; and providing for the transition of individuals from foster care to adult foster care homes."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 89

SHORT TITLE: ASSISTED LIVING HOMES: HOUSE RULES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	HSS, FIN
03/18/21	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 98

SHORT TITLE: ADULT FOSTER CARE FOR DISABLED

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/03/21 (S) READ THE FIRST TIME - REFERRALS
03/03/21 (S) HSS, FIN
03/18/21 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

JOHN LEE, Director
Division of Senior and Disabilities Services
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Presented SB 89 on behalf of the Senate Rules Committee by request of the governor

TONY NEWMAN, Deputy Director
Division of Senior and Disabilities Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Answered questions about SB 89.

LYNNE KEILMAN-CRUZ, Chief of Quality
Division of Senior and Disabilities Services
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions about SB 89.

CRAIG BRAXTER, Program Manager
Residential Licensing
Health Care Services
Department of Health and Social Services (DHSS)
Anchorage, Alaska*

POSITION STATEMENT: Answered questions about SB 89.

ROBIN MINARD, Chief Communications Officer
Mat-Su Health Foundation
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 89.

JOHN LEE, Director
Division of Senior and Disabilities Services
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Introduced SB 98 on behalf of the Senate Rules Committee by request of the governor.

TONY NEWMAN, Deputy Director
Division of Senior and Disabilities Services

Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Presented SB 98 on behalf of the Senate Rules Committee by request of the governor.

CHRISSY VOGLEY, Community Relations Manager
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: During the course of the hearing on SB 98 provided information about foster care stipends.

LOIS EPPERSON, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in favor of SB 98.

LINDA GIANI, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in favor of SB 98.

ACTION NARRATIVE

[1:32:15 PM](#)

VICE CHAIR SHELLEY HUGHES called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Costello, Begich, Reinbold, Chair Wilson via teleconference, and Vice Chair Hughes.

SB 89-ASSISTED LIVING HOMES: HOUSE RULES

[1:32:48 PM](#)

VICE CHAIR HUGHES announced the consideration of SENATE BILL NO. 89 "An Act relating to house rules for assisted living homes." intent to hear an overview and take testimony. She called on Director John Lee to testify.

[1:34:11 PM](#)

JOHN LEE, Director, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Palmer, Alaska, asked his team to introduce themselves.

MR. LEE said that SB 89 deals with assisted living homes, home and community-based services. In Alaska these are 1915(c) waiver services. That means that Alaska gets a federal match of 50 percent for the waiver programs. The waiver programs offer optional, low-cost home and community-based options for people

who would otherwise be in institutions. These programs provide services that keep people in their communities and keep costs low.

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MR. LEE said that Alaska statutes are not in compliance with federal regulations that require home and community-based service providers to give people who are on waivers the same access to community as people not on waivers. For example, the state law allows assisted living homes to establish house rules around visitations, but the federal statutes require that these providers allow individuals to exercise the same choices and options as if they were in their own homes. This bill makes a couple of statutory changes so the state can be in compliance with the final rule of federal codes that govern these programs. Ongoing participation in the waiver depends on the state being compliant. The federal government has given states until 2023 to make the statutory changes to be in compliance with the final rules.

MR. LEE said that the simple insertion of language into the assisted living home statute will bring the state into compliance with the Centers for Medicaid and Medicare Services (CMS) home and community-based setting requirements. The bill would ensure that recipients of waiver services will be able to live under conditions as much like a person's home as possible. About 700 assisted living home providers in state will be required to abide by the conditions defined in the bill. This new statutory language will afford all residents living in assisted living homes the same rights, regardless of whether the home accepts Medicaid for payment or not. There are 650 homes already in compliance with the conditions set forth in this legislation. The states have until March of 2023 to comply with this rule. That was an extension of the timeline. Because of the pandemic, CMS gave states additional time to comply. There is no fiscal impact from the bill.

MR. LEE presented the sectional:

Section 1: Amends AS 47.33.060 House Rules for Assisted Living Homes to explicitly require consistency with federal regulation when house rules are established.

Section 2: Adds a new section to AS 47.33.060 House Rules for Assisted Living Homes to make explicit that assisted living homes that provide waiver services may

not adopt house rules inconsistent with federal regulations.

Section 3: Carries the statutory amendments proposed in Section 1 and Section 2 of the bill to AS 47.33.300(a) regarding a resident's rights to have visitors.

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SENATOR COSTELLO said that a number of individuals in Alaska in assisted living homes and community-based homes have a high percentage who experience early onset of dementia or are somewhere on the spectrum of dementia. When she looks at the highlighted portion of the bill that says individuals can have visitors of their choosing at any time, she wonders whether people who have power of attorney or family members overseeing their matters can determine who the visitors are.

MR. LEE answered that if individuals have guardians, the guardians do have the ability to make choices on behalf of the individual. One of the responsibilities of the guardian is to make decisions as close to what those individuals would make on their own.

SENATOR BEGICH asked if Section 4 is still required, which has provisional language relating to the executive orders submitted by the governor to the 32nd Alaska State Legislature in the first regular session. Since that has been withdrawn, he asked whether Section 4 should be eliminated.

MR. LEE deferred to Tony Newman.

1:42:08 PM

TONY NEWMAN, Deputy Director, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Juneau, Alaska, said that Section 4 could be eliminated, but the division would need to defer to the Department of Law.

SENATOR BEGICH explained that he is not intending to slow the bill. He is just bringing that to the attention of the author. That could be removed later in the process if it is no longer relevant.

VICE CHAIR HUGHES said an order may be reissued if the legislature did not reconvene. Mr. Lee might want to make sure that it would suit that possible future scenario.

SENATOR BEGICH said he received a legal opinion on the order. Unless it is issued tomorrow, there will be no ability in the first regular session for there to be a regular order. At this point, if it is left in it would be irrelevant. He doesn't know the answer. He doesn't want to hold the bill up for that but is bringing it to the attention of the bill's author.

VICE CHAIR HUGHES said that if the words "in the first regular session" would be removed it would be possible an order could be reissued and if the legislature decided not to convene and stop it, it would be applicable. She leaves it to Mr. Lee.

SENATOR WILSON asked what the consequences are for the providers who are not in compliance with the new guidelines.

MR. LEE explained that once the statute goes into effect, licensed providers will need to be in compliance.

1:45:06 PM

CRAIG BRAXTER, Program Manager, Residential Licensing, Health Care Services, Department of Health and Social Services (DHSS), Anchorage, Alaska said that the residential licensing agency would reach out to those providers and have them update those house rules to reflect the change. Of the 50 or so providers who are not currently certified, as new licensees their house rules would now have to reflect the visitation requirements if certified. A fair number of the 50 providers are provisionally licensed and are in the process of seeking certification. It is probably even fewer than 50 who would be affected. The handful that would not be affected are the ones who have opted not to be certified or who have lost certification. They essentially just have to expand visitation hours. Most facilities have visitation hours usually between 8 to 8. They would need to update those visitation hours.

SENATOR WILSON asked what the penalty is if they don't do this or if they aren't notified or fall through the cracks.

MR. BAXTER replied that if they refuse to update their house rules, probably the first time someone had a visitor barred the agency would intervene and notify them of noncompliance and then ask for a plan of correction and try to resolve that with the facility. If the facility continued to not allow visitation in compliance with those rules, then the agency may issue a warning notice or elevate it to a higher enforcement action. They do try to work with a facility to come into compliance. If someone

filed an appeal, the agency goes through the administrative appeals process to resolve the issue as well.

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SENATOR COSTELLO noted that many assisted living homes were not able to accept visitors because of COVID. She asked if this is in response to that or is that a separate issue entirely.

MR. LEE answered that is a common question. This statute is needed regardless of COVID. COVID has nothing to do with this bill except that during COVID certain regulations were able to be suspended. The bill is needed to be in compliance with the code of federal regulations.

SENATOR COSTELLO asked how many complaints are received from individuals or families in homes and what agency deals with those complaints.

MR. LEE responded that it depends on the complaint. If it is about a program that Senior Disability Services provides, then the complaints will come to Senior Disability Services. Licensing complaints about providers could go to Craig Baxter. The recipient community is in favor of this bill, to make sure providers and the state allow people to live their lives as they choose. This will be well received by the recipient community. There are already more than 650 providers out of 700 in compliance.

SENATOR COSTELLO said that her questions are not directly related to the bill. She asked if the division requires a survey of residents' families.

MR. LEE said the division partners with providers and recipients frequently. He deferred to Ms. Keilman-Cruz.

1:51:52 PM

LYNNE KEILMAN-CRUZ, Chief of Quality, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Anchorage, Alaska, replied that Senior Disabilities has a central reporting intake. Individuals and families can make complaints that are then routed to each of the oversight divisions, such as residential licensing and the quality assurance program. The division does not do surveys but does require homes or entities with certifications to conduct their own satisfaction surveys and report those to the division.

SENATOR COSTELLO said that was her question. The surveys are done and the results are provided to Ms. Keilman-Cruz's office. She asked if the results are public.

MS. KEILMAN-CRUZ answered they are not typically public. The division uses them as a quality overview of how the providers are doing. They conduct their own internal surveys. Until a complaint is completely adjudicated, the division would not release those complaints.

SENATOR COSTELLO asked if Ms. Keilman-Cruz' agency can provide information on complaints that have been finalized so that the public officials can have sense of a nature of the situation in Alaska. The state has one of the fastest growing senior populations. It would be interesting for the committee to know the nature of some of the complaints after the past five years.

MS. KEILMAN-CRUZ said the division could give an overview of the types and amounts of complaints and Craig Baxter can discuss the licensing inspection and investigation process.

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VICE CHAIR HUGHES asked her to provide that to Senator Wilson's office. She has general questions, like Senator Costello, to help the committee be informed about assisted living homes. She asked if a person is looking for a home for loved one, is there a resource to look at ratings or a way to evaluate assisted living homes.

MR. LEE replied that are not a lot of online ratings for assisted living facilities. One of things his division provides for individuals who qualify for the waiver program is a way to connect them with care coordinators who are charged with helping individuals navigate their options and help them evaluate the quality of care of facilities they may be placed in.

MR. BAXTER said that his office conducts between 500-600 inspections annually and 300-400 investigations annually. Once those reports become public, any member of the public can reach out to his office for copies of reports or surveys. His office has a list of licensed providers on its website. There are a handful of agencies that some facilities are associated with, like A Place for Mom. Those agencies request routine inspection reports from his office so they can make sure their recommended facilities are in compliance. Outside of that there is no rating system that the state or anyone else publishes for all the assisted living homes.

SENATOR HUGHES asked if 700 providers are adequate for the growing senior population.

MR. LEE answered that to be 100 percent honest, it depends on where someone lives. In Anchorage, Mat-Su, Fairbanks, and the larger areas, there is an adequate supply. The real issue is the more remote populations. It depends on where someone lives.

[1:59:59 PM](#)

MR. NEWMAN said that to his knowledge no analysis has been done recently that demonstrates either a surplus or a shortage in Alaska, but they know that Alaska does have the fastest growing senior population in the country. The number of licensed assisting homes in Alaska has been growing dramatically. The stakeholders would probably say Alaska could always use more assisted living homes that are well tailored to meet the needs of varied clients.

VICE CHAIR HUGHES noted there is a Pioneer Home in her district and the residents suffered from loneliness and the home tried to make better arrangements for visits during the high point of the pandemic as the homes were trying to protect that population. She asked if assisted living homes had similar strict rules as far as visitation.

MR. BAXTER answered that the Pioneer Homes are licensed in the same way as the rest are. The same guidelines and health orders applied to all.

VICE CHAIR HUGHES said that to come into compliance with federal law, her understanding is that assisted living homes would need allow visitors at any time. Mr. Baxter had mentioned that some had visiting hours from 8 a.m. to 8 p.m. She asked if assisted living homes must accept visitors 24/7 now.

MR. LEE said that the statute will require that the individuals have opportunities to have visitors at the time of their choosing, so yes.

VICE CHAIR HUGHES said that the state must be in compliance March 2023 and about 50 homes that still need to come into compliance. She asked if they will be relicensed before March 2023, so will that occur naturally.

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MR. BAXTER answered that will happen naturally. The majority of licenses are biennial, a two-year cycle. Most new homes are provisionally licensed on a one-year cycle. It would be easy for the division to do it as part of the natural licensing cycle by 2023. If a home was not able to be in compliance by that time, the division will reach out to the home to work on that.

SENATOR COSTELLO asked if the bill addresses online visits.

MR. LEE said that is an excellent question in light of the pandemic value of distance delivery.

MR. BAXTER replied that residents already have the right under AS 47.33.300 to engage in private communication, telephonically, in person, or using the internet. That cannot be restricted by a facility. If a facility were restricting someone's ability to get online and contact people, that would be an issue unless a guardian had restricted that.

SENATOR COSTELLO said she is not thinking of a facility restricting that but more in terms of the facility providing the opportunities. She asked if visitors include online visitors and if the resident doesn't own a device, does the legislation require the facilities to provide the opportunity.

MR. LEE answered that the final rule does not direct states to have that requirement. The proposed bill does not require the provider to provide that. There are resources to help people get devices, but the bill is silent on that. The attempt with the bill is for the state to be compliant with the final rules without adding any additional requirements.

SENATOR COSTELLO clarified that her line of inquiry is about the definition of visitor. She is hearing that it is an in-person visitor and not an electronic visit. That is how she read the bill, but she thought it worth bringing up because many individuals do not have family here in Alaska and it would be nice for that opportunity to be provided to residents.

VICE CHAIR HUGHES shared that she knows the facility in Juneau was accommodating during her father's final weeks with visits through phones or tablets during the pandemic.

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SENATOR WILSON asked knowing that assisted living providers have a lot of issues with billing Medicaid, if the department

provides technical assistant for that. Medicaid audits are high for assisted living facilities.

MS. KEILMAN-CRUZ answered that her agency supplies lots of technical assistance and has an open door policy for facilities to ask questions through the provider certification and compliance unit. When her agency does investigations, many times it is offering technical assistance to come into compliance. Residential licensing supplies the same sort of technical assistance. For billing specifically, there are online programs and trainings to assist with billing.

MR. BAXTER said his agency also offers a variety of training opportunities to new and existing facilities regarding licensing complaints. It does not deal with Medicaid billing but with compliance and standards. Providers can reach out to his agency for help.

VICE CHAIR HUGHES noted there is no fiscal note and asked if there is potential for increased staffing if there are more visitors in an assisted living home or will that be minimal.

MR. BAXTER replied his office already works closely with Senior and Disabilities Services to bring the 650 homes into compliance and he has not noted any increase in staffing because of this.

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VICE CHAIR HUGHES opened public testimony.

[2:12:46 PM](#)

ROBIN MINARD, Chief Communication Officer, Mat-Su Health Foundation, Wasilla, Alaska, said that currently Alaska allows assisted living to establish house rules for visitors. While the state law says the house rules may not be unreasonably restrictive, the federal regulation is more explicit, stating that individuals on waivers must be able to have visitors of their choosing at any time. The Mat-Su Health Foundation supports this change because it affords residents of assisted living homes the ability to make decisions for themselves. Alaskans in these settings deserve living conditions as close as possible to those they would have in their own homes. Mat-Su has the fastest growing senior population in the state. By 2030 more than one in five Mat-Su residents will age 60 or older and those over age 85 will increase by 188 percent. These residents are often the most vulnerable and require more intense services. She urged the committee to pass SB 89 so the most vulnerable and

most treasured citizens can enjoy the living conditions they deserve.

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VICE CHAIR HUGHES closed public testimony and noted the written testimony that had been submitted in support of the bill. She held SB 89 in committee.

SB 98-ADULT FOSTER CARE FOR DISABLED

[2:15:43 PM](#)

VICE CHAIR HUGHES announced the consideration of SENATE BILL NO. 98 "An Act relating to medical assistance for recipients of adult foster care services; establishing an adult foster care home license and procedures; and providing for the transition of individuals from foster care to adult foster care homes." She stated her intent to hear an overview of the bill, a sectional analysis, and testimony on the bill.

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At ease

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VICE CHAIR HUGHES reconvened the meeting.

[2:22:50 PM](#)

JOHN LEE, Director, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Palmer, Alaska, turned to Tony Newman to give the presentation on SB 98.

[2:23:29 PM](#)

TONY NEWMAN, Deputy Director, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Juneau, Alaska, said he first wanted to describe the type of person this bill is meant to serve. This individual may have started life with a disability due to a range of conditions, from autism to Down syndrome, and sometimes with even more complex and serious medical conditions, such as cerebral palsy, cystic fibrosis, short gut syndrome, disorders that could mean a lifetime of intensive medical treatments and prolonged dependence on technology. Adding to their challenges, these children are also in foster care because their parents are unable or unwilling to give them the care that they need. At any given time in Alaska, roughly 20-30 children are in state custody with these types of disabilities. Thanks to the wonderful people who serve as foster parents in the state and the state's waiver programs for people with disabilities, these

kids can enjoy a secure and safe life in a home sitting, not an institution, surrounded by people who know and love them and are often willing to care for them throughout their childhood. The need for this bill arises because of changes that occur when a child reaches adulthood. The foster parents are no longer able to offer traditional foster care once the child ages out of state custody. There are also some disincentives and obstacles that make it difficult for the foster parents to transition to some new type of caregiving arrangement, which in turn makes it hard for that young person to stay with the same people, who may be the only people they know. This may force the young person into a new living situation that can be a traumatic change. It may even require the young person to leave the home community.

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MR. NEWMAN said that constituents of then state Senator Dunleavy brought these concerns to his attention. In 2017, Senator Dunleavy introduced a bill, SB 10, that sought to address the issue. That approach was still being refined when he left the senate, but his interest in addressing the issue remained. Several months ago he asked the department to find a straightforward and as simple a way as possible for the foster child and foster parents to remain together as a family when a child becomes an adult, if they so choose.

MR. NEWMAN displayed a graphic titled Adult Foster Care for Disabled to illustrate how the bill attempts to provide a solution. The service structure at Senior Disabilities is fairly complex, but the diagram gets to the heart of the matter well. The diagram shows the typical current path for aging out of foster care and the proposed path. A child in foster care in a licensed child family home habilitation has a stipend of \$157 a day or a foster care stipend of about \$70 a day for these types of children and personal care services. An adult on a Medicaid home and community-based waiver receives adult family home habilitation at \$126 a day with no personal care services in an assisted home with a license with a menu of additional waiver services. The proposed adult foster care would have stipend of \$115 a day and personal care services and would be in a licensed adult foster home with a menu of additional waiver services. Constituents have said that personal care services are valued by foster parents because this can be some of the most exhausting and challenging work in raising these kids.

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MR. NEWMAN said that the rate is reduced for children who go from child home habilitation to adult family home habilitation.

They lose personal care services because greater independence and self-care is assumed for the adult. The adult family home habilitation is reduced because in adulthood they receive a wider menu of waiver services to promote their independence. Instead of a foster care license, if children remain in the same home, the foster parents need an assisted living license, which has considerably higher expectations for safety policies and procedures and space requirements. To summarize, when children become adults, the foster parents lose the foster care stipend. The children have lost the ability to receive personal care services, and foster parents would have to set up their homes to meet the licensing requirements for an assisted living home. While the young adult would have wider range of potential services to draw from, if they have a severe medical condition, their ability to take advantage of those services, like transportation or employment services, may be limited. Foster parents face high hurdles and difficult choices to maintain the youth in their homes. There are other living arrangements and approaches that the foster parents and the former foster children can pursue to stay together. The foster parents could increase the rates they receive by certifying as a group home, but those other options have expectations and drawbacks that are frequently less attractive.

MR. NEWMAN said that SB 98 makes it easier for the former foster parents and foster children to stay together longer. Instead of offering adult family home habilitation, foster parents can be certified as adult foster parents and receive stipends with lighter expectations around providing habilitative services, but those pay more than a basic room-and-board style rate. Instead of an assisted living home license, the department would create a new adult foster care home license, with requirements that are more akin to child foster home than assisted living home. The menu of other services would still be available to those who could benefit from them. Best of all will be the continuity of care the bill will allow. Nobody would be forced into the new arrangement. These other options would still be available, but for those who want to stay together as a family, this could be an attractive option.

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SENATOR BEGICH offered the clarification that he is seeing a continuation. The department is trying to maintain a continuum that respects the living arrangements that have worked for the youth as they transition into adulthood. It is tempting to receive a government block on the ability to do this. This is

good public policy to ensure continuum of care for those who are less able to take care of themselves.

MR. NEWMAN replied that is a perfect summary of the bill.

SENATOR COSTELLO said she appreciates the bill. She has spoken to many foster care youth. She asked if there is an issue where one group of Alaskans is provided an opportunity and another isn't. She could see that a lot of other foster care youth would want to continue in their foster care home. She asked if there is a path for them.

MR. LEE said he is engaged in dialogue with a consultant for the Centers for Medicare and Medicaid Services (CMS) to make sure that this will be a viable option to pursue and will receive Medicaid funding. He asked her to repeat the second question.

SENATOR COSTELLO asked if there is a path forward if a family wants to continue with aged-out foster youth.

MR. LEE answered if the children are not on a Senior and Disabilities waiver and are solely receiving services as a foster care youth, they become adults and they can make their own decisions, of course, in conjunction with their former foster care parents. He asked Chrissy Vogeley to offer more insight on that.

2:35:02 PM

CHRISSY VOGLEY, Community Relations Manager, Office of Children's Services, Department of Health and Social Services (DHSS), Juneau, Alaska, said for youth not on waiver services, they can continue to live with their foster parents if that is agreeable to all.

SENATOR REINBOLD asked what the stipend rates are based on.

MR. LEE answered that the child family home habilitation \$157 a day rates are set by the division with help from the Office of Rate Review. The \$70 a day is an approximation for what a child at this level of need would require. The Office of Children's Services offers a foster care stipend that ranges from \$30 to over \$100 a day, depending on the child's need, so it is approximate \$70 a day. The rate goes down to \$126 a day for family home habilitation because it is assumed that the adults have a higher level of independence as adults. They also get a menu of additional waiver services, such as help with meals and transportation. That is why the rate goes down to \$126 a day.

His office came up with the rate of \$115 a day for the adult foster care in consultation with partners. The office wanted to find a rate that was not as high as adult family home habilitation because there are fewer administrative requirements. The office wanted this to be attractive for those who want to pursue the adult foster care license without the administrative burdens.

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SENATOR REINBOLD asked how the parents get this money and are there any parameters about how to use the money.

MR. NEWMAN said his office will need regulations to work out the details about the expectations about the level of care provided by adult foster parents. It will be a lot like foster childcare. His office will take the lead from the way the Office of Children's Services provides payment to foster parents.

VICE CHAIR HUGHES asked Ms. Vogeley to also respond.

MS. VOGLEY said that foster care payments are paid monthly directly to foster parents in a manner of their choosing.

SENATOR REINBOLD clarified the two options are direct deposit or a check. She asked if it is a lump sum for the entire month.

MS. VOGLEY replied yes.

SENATOR REINBOLD asked what happens if the care is only two weeks and a month's stipend has been deposited.

MS. VOGLEY answered that she believes payments are paid after the month. There have been situations of overpayments and the office requests the money to be returned.

SENATOR BEGICH offered that his sister was a foster parent and was paid after the fact.

VICE CHAIR HUGHES asked how many disabled foster youth turn 18 each year.

MR. NEWMAN answered that it could range from none or 10 a year.

VICE CHAIR HUGHES asked what the range of disabilities applicable for this situation is.

MR. LEE said the bill is talking about youth eligible for waivers. This means that they have been assessed such that they could receive care in an institution, an intermediate care facility or a skilled nursing facility. These conditions include severe cerebral palsy, short gut syndrome, Down syndrome, and autism.

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VICE CHAIR HUGHES commented that it would be difficult for them to live independently. She opened public testimony.

2:44:04 PM

LOIS EPPERSON, representing self, Wasilla, Alaska, said she has been a foster childcare provider since the 90s for children on waivers. She is licensed as an assisted living home because the girl they have had in their home for 18 years aged out of child foster care. In order to keep her in their home their option was to become an assisted living home. They have taken care of three children on waivers over the last 30 years until they moved out or passed away. These are kids who are severely brain damaged from birth trauma. The person they have now requires complete total care. She cannot roll over on her own. She must be fed and bathed. This is the type of child who would benefit from the bill. When they age out of child foster care, they could just roll over into an adult foster care license with their current licenses and the home and services would not be disrupted. Her young adult is never going to improve and cannot take advantage of other services like transportation. She will always need the same level of care or greater as she ages.

MS. EPPERSON said they call themselves foster parents but they are assisted living providers. They provide 24 hour care and the only help is respite. The client has some day hab hours, so she can get in a van and get out of the house. They are paid a stipend by through the agency they work through. They have a care coordinator and act as guardians for her. They must abide by all regulations for an assisted living home designed for a multipatient facility. Adult foster care would make life for the client and the home simpler and easier.

VICE CHAIR HUGHES thanked her for her efforts and asked if she worked with Senator Dunleavy on this a few years ago.

MS. EPPERSON replied that she was one of three women working on then SB 10. They have been trying to work on this for years.

VICE CHAIR HUGHES said she was glad to see the efforts come to fruition.

2:49:23 PM

LINDA GIANI, representing self, Wasilla, Alaska, said she has been working on trying to get this legislation passed since 2011. She first started working with a former governor and then Senator Dunleavy and some house representatives. It has been up and down. Governor Dunleavy agreed to continue to pursue this. She had a son who was one of most disabled children in the state of Alaska. He passed away two years ago. She is a care coordinator and works with children on CMS waivers. She has seen a need for this for a long time and is hoping that it will be taken care of. As these children turn 18, the important thing is that they not lose any of their services. They turn 18 and suddenly they have to live in assisted living where the expectation is that they will get better. All the in-home supports are taken away, which is the only service that they need to have. It is exhausting to take care of these children. She did it for 21 years all by herself. The foster parents of these children have to be aware of the children 24/7. The adult foster care license has been needed for many years. She is praying that it goes through this time and it includes personal care services. They lose all that because they turn 18, which doesn't make sense because there is no other change except age. She hopes the new license permits families to get the in-home support services. The waiver services are meaningless unless the in-home support piece is added. There are many families who have been in the system for many years, like Lois Epperson. She has such admiration for them. For 10 years this has been her project. She worked with the governor for years on this. It is time.

2:54:22 PM

VICE CHAIR HUGHES thanked her for all she has done for the precious, disabled Alaskans and her decade of persistence. She closed public testimony and held SB 98 in committee.

SENATOR BEGICH thanked the members for the robust discussion. That allows them to know what is going on with bills.

VICE CHAIR HUGHES said it was informative and about some important matters.

SENATOR REINBOLD said these are important and interesting bills. This is why there is Health and Social Services, for when people are truly in need and dependent on people.

2:56:25 PM

There being no further business to come before the committee, Vice Chair Hughes adjourned the Senate Health and Social Services Standing Committee meeting at 2:56 p.m.